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# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

12-32423

### CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s)	); Nikia K Hopkins	Case No:
This plan, dated A	pril 14, 2012 _ , is:	
	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the □confirmed or □unconfirmed Plan dated.  Date and Time of Modified Plan Confirming Hearing:	
	Place of Modified Plan Confirmation Hearing:	
The	Plan provisions modified by this filing are:	
Cred	litors affected by this modification are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$9,341.62

Total Non-Priority Unsecured Debt: \$24,176.14

Total Priority Debt: **\$6,000.00**Total Secured Debt: **\$17,010.00** 

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- 1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of \$230.00 Monthly for 55 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 12,650.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
  - A. Administrative Claims under 11 U.S.C. § 1326.
    - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
    - 2. Debtor(s)' attorney will be paid \$ \_\_2,991.00 \_ balance due of the total fee of \$ \_\_3,000.00 \_ concurrently with or prior to the payments to remaining creditors.
  - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Internal Revenue Service	Taxes and certain other debts	6,000.00	Prorata
			30 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
  - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>

#### B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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#### C. Adequate Protection Payments.

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The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description Collateral Description Monthly Payment To Be Paid By

Manchester General District Ct VA Driver's license 25.00

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or "Creditor" Value Manchester VA Driver's license VA Driver's license Teneral District Ct September 1,215.14 September 2,215.14 September 2,215

#### E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

#### 4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately \_\_\_5
   %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately \_\_\_0
   %.
- B. Separately classified unsecured claims.

G III		
Creditor	Basis for Classification	Treatment
-NONE-		

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5.	Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term 2 4 2 3
	Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any
	existing default under 11 U.S.C. § 1322(b)(5).

A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
Michael Wayne	2003 Chevrolet Blazer 83,000	418.00	0.00	0%	0 months	
Investments	mi					

**B.** Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

Datiment of

		interest	Estimated	
<u>Creditor</u>	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-		<del></del>		

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
  - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

**B.** Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	
			Payment	Estimated
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
-NONE-				

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7.	Liens	Which	Debtor(s)	Seek	to Avoid.
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A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

**Exemption Amount** 

Value of Collateral

**B.** Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

**Exhibits:** 

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
  - All creditors must timely file a proof of claim to receive payment from the Trustee.
  - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
  - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
  - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

Signatures:	
Dated: April 14, 2012	<u></u>
/s/ Nikia K Hopkins	/s/ Robert B Duke for The Debt Law Group
/s/ Nikia K Hopkins Nikia K Hopkins	/s/ Robert B Duke for The Debt Law Group Robert B Duke for The Debt Law Group

Copy of Debtor(s)' Budget (Schedules I and J);

Matrix of Parties Served with Plan

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#### Certificate of Service

I certify that on April 14, 2012, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

Robert B Duke for The Debt Law Group
Robert B Duke for The Debt Law Group
Signature

America Law Group, Inc. dba The Debt Law Group
1928 Arlington Blvd, Ste 112
Charlottesville, VA 22903

Address

**804-308-0051** Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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B6I (Offi	cial Form 6I) (12/07)			12-32/23
In re	Nikia K Hopkins		Case No.	12-32423
		Debtor(s)	_	

#### SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEF	STOR AND SPO	OUSE			
Deotor's Marian States.	RELATIONSHIP(S):	AGE(S):				
Single	None.					
Employment:	DEBTOR		SPOUSE			
Occupation	CNA					
Name of Employer	Golden Living Center					
How long employed	8 mos					
Address of Employer	3600 Mountain Rd Glen Allen, VA 23060					
	or projected monthly income at time case filed)		DEBTOR		SPOUSE	
	and commissions (Prorate if not paid monthly)	\$	1,963.00	\$	N/A	
2. Estimate monthly overtime		\$	323.00	\$	N/A	
3. SUBTOTAL		\$	2,286.00	\$	N/A	
4. LESS PAYROLL DEDUCTION						
a. Payroll taxes and social s	security	\$	235.00	\$	N/A	
b. Insurance		\$	123.00	\$ <u></u>	N/A	
c. Union dues	B. (4.9. 11	\$	0.00	\$_	N/A	
d. Other (Specify)	ee Detailed Income Attachment	\$	10.00	\$	N/A	
5. SUBTOTAL OF PAYROLL I	DEDUCTIONS	\$	368.00	\$	N/A	
6. TOTAL NET MONTHLY TA	KE HOME PAY	\$	1,918.00	\$	N/A	
7. Regular income from operation	n of business or profession or farm (Attach detailed statement)	\$	0.00	\$	N/A	
8. Income from real property		\$	0.00	\$	N/A	
9. Interest and dividends		\$	0.00	\$	N/A	
dependents listed above	pport payments payable to the debtor for the debtor's use or tha	t of \$	0.00	\$	N/A	
11. Social security or governmen	at assistance			_		
(Specify):		\$	0.00	\$_	N/A	
12 P : : :		\$	0.00	\$_	N/A	
12. Pension or retirement income		\$	0.00	» <u> </u>	N/A	
13. Other monthly income (Specify):		•	0.00	•	N/A	
(Specify).		\$ <del></del>	0.00	ψ <sub>-</sub>	N/A	
		Ψ	0.00	Ψ_	19/7	
14. SUBTOTAL OF LINES 7 TI	HROUGH 13	\$	0.00	\$_	N/A	
15. AVERAGE MONTHLY INC	COME (Add amounts shown on lines 6 and 14)	\$	1,918.00	\$_	N/A	
16. COMBINED AVERAGE M	ONTHLY INCOME: (Combine column totals from line 15)		\$	1,918	.00	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

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In re	Nikia K Hopkins		Case No.	
		Debtor(s)		

# $\frac{SCHEDULE\ I\ -\ CURRENT\ INCOME\ OF\ INDIVIDUAL\ DEBTOR(S)}{Detailed\ Income\ Attachment}$

#### **Other Payroll Deductions:**

Dent	\$	5.00	\$ N/A
Vis	\$ 	2.00	\$ N/A
Supplemental Life	\$ 	2.00	\$ N/A
Critical Illness	\$	1.00	\$ N/A
Total Other Payroll Deductions	\$	10.00	\$ N/A

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B6J (Off	icial Form 6J) (12/07)		12-32/23	
In re	Nikia K Hopkins		Case No.	12 32423
		Debtor(s)		

### SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at tir

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Comple	ete a separate	e schedule of
expenditures labeled "Spouse."	\$	
1. Rent or home mortgage payment (include lot rented for mobile home)		140.00
a. Are real estate taxes included?  Yes No _X		
b. Is property insurance included? Yes No _X		
2. Utilities: a. Electricity and heating fuel	\$	75.00
b. Water and sewer	\$	0.00
c. Telephone	\$	47.00
d. Other	\$	0.00
3. Home maintenance (repairs and upkeep)	\$	15.00
4. Food  5. Clothing	\$	200.00 45.00
<ul><li>5. Clothing</li><li>6. Laundry and dry cleaning</li></ul>	э •	30.00
7. Medical and dental expenses	\$ ———	45.00
8. Transportation (not including car payments)	\$	200.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ <del></del>	20.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)	· —	
a. Homeowner's or renter's	\$	0.00
b. Life	\$	0.00
c. Health	\$	0.00
d. Auto	\$	80.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) Personal Property Tax	\$	15.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the		
plan)	¢	418.00
a. Auto b. Other Furniture Payments	\$	300.00
c. Other	\$ ———	0.00
14. Alimony, maintenance, and support paid to others	<u> </u>	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other Personal hygiene	\$	20.00
Other Emergency Funds	\$	35.00
10. AVED A GE MONEYH W EVDENGEG (E 11)		1 005 00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicables and Related Data)	\$	1,685.00
if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
following the filing of this document:		
20. STATEMENT OF MONTHLY NET INCOME	_	
	<b>¢</b>	1,918.00
<ul><li>a. Average monthly income from Line 15 of Schedule 1</li><li>b. Average monthly expenses from Line 18 above</li></ul>	\$ \$	1,685.00
c. Monthly net income (a. minus b.)	\$ <del></del>	233.00

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Alliance One 1160 Centre Point Dr, Ste 1 Saint Paul, MN 55120 Allianceone 1684 Woodlands Dr Ste 15 Maumee, OH 43537 Armstrong Law LLC re: Tabac LC 10301 Memory Lane Chesterfield, VA 23832

Bayside Cash Apartado Postal 187 Plaza Colonial Escazu San Jose, Ecuador

Bowen, Champlin, Foreman, Rock 1919 Huguenot Rd re: Cabot Realty Richmond, VA 23235 Bruce Brown 9947 Hull St Box 197 Richmond, VA 23234

Cabot Realty dba Wynwood Apartments 1267 Nelson St Henrico, VA 23231 Carlisle Apartments 1700 Carlisle Ave Henrico, VA 23231

Carlisle Apartments 13525 Cotley Lane Henrico, VA 23233

Cash 2 U 6220 Hull Street Road Richmond, VA 23224 CBE Group 131 Tower Park Dr., Ste 100 Waterloo, IA 50701

Chaplin and Gonet 5211 West Broad St, Ste 100 re: Wallace v. Hopkins Richmond, VA 23230

City of Richmond Dept of Finance 900 E Broad St, Rm 100 Richmond, VA 23219

City of Richmond Dep't of Public Utilities 730 E Broad St, 5th Floor Richmond, VA 23219 Colonial Heritage Village Apts 5500 Pony Farm Dr. Richmond, VA 23227

Comcast 5401 Staples Mill Road Henrico, VA 23228-5421 Credit Management re: Comcast 4200 International Pkwy Carrollton, TX 75007 Dakota State Bank Po Box 4477 Beaverton, OR 97076

Dankos Gordon 1360 E Parham #200 re: Carlisle Apartments Henrico, VA 23228 Dejuna N Adkins 3701 Benton Ave Richmond, VA 23222 Dominion Virginia Power PO Box 26666 Richmond, VA 23261-6666

Dt Credit Co Po Box 29018 Phoenix, AZ 85038 Eastern Account System Po Box 837 Newtown, CT 06470 Ecmc Po Box 64909 St. Paul, MN 55164

Enhanced Recovery Corp Attention: Client Services 8014 Bayberry Rd Jacksonville, FL 32256 First Premier Bank 601 S Minnesota Ave Sioux Falls, SD 57104 Gentle Breeze Cash PO Box 1120 Boulevard, CA 91905

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Internal Revenue Service Insolvency Unit PO Box 21126 Philadelphia, PA 19114 Internal Revenue Service 400 N 8th Street, Box 76 Stop Room 898 Richmond, VA 23219 Manchester General District Ct 920 Hull Street, Southside Richmond, VA 23224

Michael Brown 9947 Hull St Box 197 Richmond, VA 23234 Michael Wayne Investments 6336 East Virginia Beach Blvd Norfolk, VA 23502 Rwds660-dsb 211 N Main Blunt, SD 57522

Tabac LC 305 North Thompson St Richmond, VA 23221 Verizon Bankruptcy PO Box 3037 Bloomington, IL 61702

Virginia DMV P.O. Box 27412 Richmond, VA 23269